

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 1:22-cv-23867-GAYLES/TORRES

AVRAHAM BABA,

Petitioner,

v.

AYELET ZAPIN BABA,

Respondent.

_____ /

RESPONSE TO MOTION FOR DEFAULT AND MOTION FOR EXTENSION OF TIME

Respondent Ayelet Zapin Baba responds to Petitioner's Motion for Entry of Clerk's Default as follows:

1. Subsequent to the Court's entry of the Scheduling Order, Respondent's counsel has been engaged in settlement negotiations with Petitioner's counsel.

2. In fact, it was (and continues to be) the understanding of Respondent's counsel that the parties are in agreement in principle, with only some minor details to be worked out before a full settlement is finalized and this matter can be dismissed.

3. In accordance with that understanding, and to conserve the resources of the parties and the Court, Respondent did not file a response to the Petition.

4. Due to holidays and breaks, both in the United States and Israel, Respondent has been delayed in her attempts to communicate with the persons with whom she needs to consult in connection with final details of a settlement.

5. But her counsel in this case has been in communication with Petitioner's counsel. Respondent was therefore surprised that Petitioner filed a motion for default.

6. In the unlikely event that this case is not resolved by agreement, Respondent's right to defend herself should not be forfeited.

7. Accordingly, Respondent requests that the Court deny the motion for default and extend Respondent's deadline to file a response until January 3, 2023.

WHEREFORE, Respondent respectfully requests that the Court enter an order granting her until January 3, 2022 to file a response to the Petition, denying a default, and granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Daniel A. Bushell

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CERTIFICATE OF SERVICE

I certify that on December 27, 2022, the foregoing document was filed via the Court's ECF system, which will serve notice on all registered counsel of record and pro se parties.

/s/ Daniel A. Bushell

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